

### **REMARKS**

Claims 1-49 are pending and stand rejected. The independent claims are claims 1, 4, 7, 9, 10, 11, 12, and 48. Independent claims 1, 4, 9, 10, 11 and 48 are now rejected as obvious under 35 U.S.C. § 103(a) from Lee (US 2004/0192308) in view of *Nishimura* (US 2004/0229649). Independent claims 7 and 12 are now rejected as being directed to non-statutory subject matter, under 35 U.S.C. § 101.

Applicant respectfully notes that claims 14-15 do not depend from claims 7 or 12, and therefore claims 14-15 were erroneously rejected under 35 U.S.C. § 101.

### **Rejections of Independent Claims 7 and 12 for Non-Statutory Subject Matter**

Independent claims 7 and 12 are rejected under 35 U.S.C. § 101. Claim 12 is now amended to claim being stored (i.e. embodied) in a computer readable medium, and this is supported at least by claim 12 as originally filed. Both claims 7 and 12 now explicitly claim a computer readable medium, and therefore Applicant respectfully submits that they both claim statutory subject matter. See MPEP § 2106.01(I).

### **Lee and Nishimura Do Not Render Independent Claim 1 Obvious**

Present claim 1 claims sending parameters “between a network element and a radio network controller,” and this step does not involve sending the parameters to or from user equipment. However, the non-final Office Action says (second paragraph on page 3) that *Lee* discloses sending parameters from user equipment to a base station, which is very different from the present claimed sending of parameters between a network element and a radio network controller (RNC).

It is well known in the art that a user equipment is not a network element, and this is also clear from present claim 1 which discusses an uplink “from user equipment to the network element.” Thus, Applicant respectfully submits that the present claimed step of

sending parameters between a network element and RNC is not in any way suggested by *Lee's* Figure 1 which does not show an RNC and instead shows user equipment. This present claimed step is also not in any way suggested by *Lee's* paragraphs 6-8, which do not mention an RNC.

*Lee's* Figures 4-10 do show an RNC. However, only good data and/or bad data are shown being sent to *Lee's* RNC, and only acknowledgments are shown being sent from *Lee's* RNC. There is no hint or suggestion in *Lee* to send parameters to or from the RNC, much less to send "cell specific" or "radio link specific" parameters as presently claimed in independent claim 1.

*Lee* discloses at paragraph 24 that a UE receives response fields having various values. But there is no suggestion in *Lee* that those response fields have parameters that could be used by a network element and RNC in order to configure an uplink, as presently claimed. The Office Action refers to paragraphs "0057-0072" of *Lee* to show configuring of a radio uplink, but Applicant cannot find anything in those 16 paragraphs that is related to present claim 1. Those 16 paragraphs describe *Lee's* figures 7-10, which involve a "retransmission procedure" (see paragraphs 34-37 of *Lee*) rather than the uplink configuration procedure of present claim 1.

Consequently, *Lee* would not suggest to a skilled person key features of present claim 1, contrary to what is asserted in the Office Action. Therefore, Applicant respectfully believes it is not necessary at this point to address the *Nishimura* reference, in connection with present claim 1.

### **Lee and Nishimura Plainly Do Not Render Dependent Claim 2 Obvious**

Even if the two cited references suggested present claim 1 (which they do not), still Applicant respectfully submits that those two cited references completely fail to disclose critical material in present claim 2. The Office Action refers to Figures #2 and #5 of *Lee*, and paragraphs 17-19 of *Lee*. However, neither of those two figures involve an RNC, which is a

critical feature of present claim 2. Moreover, paragraphs 17-19 of *Lee* do not mention the RNC either.

Thus, the cited references simply do not suggest present claim 2, which discloses sending a payload packet from a network element to a radio network controller (RNC) following correct reception from the user equipment. *Lee* is completely silent about such a step.

### CONCLUSION

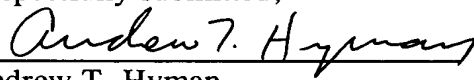
The present claimed invention discloses parameters that are defined for use on an interface between network elements in order to enable configuration setup of an enhanced radio uplink (UL). These parameters are for communication over the interface between the RNCs and the Node Bs in order to facilitate setup and re-configure the UL channel.

The obviousness rejections of independent claims 4, 9, 10, 11, and 48 should be withdrawn for the same reasons as described above for independent claim 1. Early allowance of the independent claims, and the pending claims depending therefrom, is earnestly solicited. Applicant would be grateful if the Examiner would please contact Applicant's attorney by telephone if the Examiner detects anything in the pending claims that might hinder allowance.

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